

Remarks/Arguments

Claims 25-58 are pending and will continue to be pending upon entry of this response. Claims 25, 37, 49 and 52 have been amended herein. No additional fee is due at this time.

A telephonic interview took place on June 9th, 2010 between the Examiner and the undersigned attorney in which possible allowable subject matter was discussed, subject to an additional search. In addition, the Office's objections to some of the claim language with respect to 35 U.S.C. § 112 and 35 U.S.C. § 101 were discussed, with the Examiner making specific suggestions as to dealing with the Section 101 objection. Applicants agree with the interview summary provided by The Office in so much as the detail presented. Applicants appreciate the Examiner's willingness to discuss the present application and move the application forward through prosecution.

The Examiner has rejected all claims under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner objects to the recitation that the cross-reference file could be received from the capture bank. While not necessarily agreeing with the Examiner, Applicants have herein removed the phrase from independent claims 25, 37 and 49, and thus from claims 26-36 and 38-51 through dependency. While the Examiner has included claims 52-58 in the Section 112 rejection, Applicants cannot find any recitation in any of claims 52-58 regarding the cross-reference file being received from the capture bank. Applicants submit that all claims now comply with Section 112, first paragraph.

The Examiner has rejected method claims 25-36 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In the above-referenced interview, the undersigned attorney and the Examiner discussed the claim language in view of the text of Applicants' specification and determined that inserting the term "computer system" into the claims may be adequate to overcome this rejection, as the term is supported in paragraph [0066] of the specification. Applicants have proceeded accordingly and submit that this amendment overcomes the Section 101 rejection.

The Examiner has suddenly rejected claims 25-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54 and 56-58 under 35 U.S.C. § 103(a) as being obvious in view of Published U.S. Patent Application 2003/0208421 to Vicknair et al. ("Vicknair"), which was cited to the Examiner by

Applicants in January of 2005. Applicants point out that since the Examiner has rejected these claims under Section 103, he inherently suggests that not all concepts corresponding to the recitations of these claims are inherently taught by Vicknair, and yet no other art is cited. Nevertheless, even the teaching pointed to by the Examiner fails to correspond to the recitations in the claims.

Independent claims 25, 37 and 49 all recite, firstly, a file with check images, secondly, a cross-reference file, which is a very specific type of file, and thirdly, a paying bank specific index being stored, and in the latter case, created *at a substantially centralized storage system* that serves multiple banks. Thus, these claims are directed to a turnkey operation for centralizing check presentation among banks. Substantial portions of what is actually taught in Vicknair, by contrast, are performed by the individual banks. For example, the Examiner points to paragraphs [0052]-[0057] of Vicknair with respect to parsing a cross-reference file and creating a paying bank specific index. The Examiner is not specific, but suggests that the adding of index pointers from one bank's index, stored at that bank to another bank's index stored at that bank is the same as creating one type of file from another. Not only is this decidedly not the same as or even analogous to building one type of file from another, but all this is being done in indexes stored at the individual banks. None of it is being done by a centralized storage system for multiple banks as recited in Applicants' amended independent claims 25, 37 and 49 and thus in dependent claims 26, 27, 29-31, 33-35, 38, 39, 41-43, 45, 47, 48, 50 and 51 through dependency. In fact, almost all of the processing to which the examiner refers in the cited paragraphs of Vicknair is taking place at individual banks; save for the storing of the check images themselves. The only mention of centralizing any index in Vicknair is a brief phrase at the end of paragraph [0057] which, being only a brief phrase with nothing more is not enabling of the concepts to which Applicants' claims are directed, and no other art has been cited with respect to these claim recitations. Claims 25-27, 29-31, 33-35, 37-39, 41-43, 45, 47-51 are not obvious in view of Vicknair.

As to claims 52-54, 56 and 58, all of the above applies because independent claim 52 also refers to parsing the cross reference file and creating a paying bank specific index at a substantially centralized storage system. Dependent claims 53, 54, 56 and 58 incorporate these recitations through dependency, so that claims 52-54, 56 and 58 are not obvious in view of

Vicknair for at least the same reasons discussed above. However, in addition, independent claim 52 recites a landing zone, a parsing process and a storage layer, none of which is even referred to or discussed by the Examiner as being taught by Vicknair. Claims 52-54, 56 and 58 are not obvious in view of Vicknair for at least this additional reason.

The Examiner has rejected dependent claims 28, 32, 36, 40, 44, 48 and 55 under 35 U.S.C. § 103(a) as being obvious in view of Vicknair in combination with U.S. Patent 5,784,610 to Copeland, III et al. ("Copeland"). The Examiner looks to Vicknair for teaching related to the recitations of the base claims, thus, claims 28, 32, 36, 40, 44, 48 and 55 are not obvious in view of Vicknair in combination with Copeland for at least the reasons discussed above.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Therefore, entry of this response and reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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